

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LESLIE DANIELLE
ETHINGTON, DESIREE MYSTIQUE
LUMPKIN, DECEMBER LA’NICE LUMPKIN,
and DAVID BERNARD LUMPKIN, JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID LUMPKIN,

Respondent-Appellant,

and

DANIELLE TAMAR ETHINGTON,

Respondent.

UNPUBLISHED
July 7, 2005

No. 258381
Wayne Circuit Court
Family Division
LC No. 99-376391

Before: Cooper, P.J., and Fort Hood and R .S. Gribbs*, JJ.

MEMORANDUM.

Respondent-appellant David Lumpkin appeals as of right from the trial court’s order terminating his parental rights to his two minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court’s decision to terminate parental rights for clear error.¹ If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate the respondent’s parental

¹ MCR 3.997(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

rights unless it finds from the record evidence that termination is clearly not in the child's best interests.² We review the trial court's determination regarding the child's best interests for clear error.³

The trial court properly found that the statutory grounds for termination were established by clear and convincing evidence. The evidence showed that respondent-appellant had a history of physically abusing the children's mother. In fact, respondent-appellant pistol-whipped the mother, causing a serious brain injury and preventing her from being able to care for the children. Respondent-appellant admitted that his alcohol abuse only exacerbated his anger issues. However, respondent-appellant did nothing to address his alcohol abuse and violent tendencies until just before the termination trial.

Furthermore, the evidence failed to show that termination of respondent-appellant's parental rights was not in the children's best interests. The children witnessed several instances of domestic violence. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Jessica R. Cooper
/s/ Karen M. Fort Hood
/s/ Roman S. Gribbs

² MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

³ *Id.* at 356-357.